IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 138 of 2005

Pankaj Kandwal
S/o Sri S.D. Kandwal
R/o 34-A, Subhash Road,
Dehradun … Applicant

Versus

State of Uttaranchal
Chief Judicial Magistrate, Dehradun …Opp. parties

Smt. Pushpa Joshi, learned counsel for the applicant
Sri G.A. Sandhu, learned counsel for the State

Hon'ble B.C. Kandpal, J.

This petition u/s 482 has been filed by the petitioner for quashing the condition imposed on the bail order dated 07.01.2005 where by the applicant was granted bail and a condition was imposed that he should not leave the country without prior permission of the court.

Heard learned counsel for the applicant, learned A.G.A on behalf of the opposite parties and perused the record.

The Magistrate vide order dated 17.02.2005 rejected the application by which the petitioner sought permission to release his passport.

Feeling aggrieved by the aforesaid order the applicant preferred application before the court of learned Sessions Judge, Dehradun u/s 439 (1) (b) of Cr.P.C. for setting aside the condition imposed by the learned Magistrate and this application was rejected by the learned Sessions Judge vide order dated 05.03.2005.

Against the aforesaid order, this petition has been preferred.

Having considered the arguments advance by the learned counsel for both parties, I am of the view that

there is no scope of exercising the inherent jurisdiction by way of this petition u/s 482 Cr.P.C.

The petition is accordingly dismissed.

However, the petitioner is at liberty to move a fresh application before the court of learned Magistrate which shall be considered in accordance with the law.

(B.C. Kandpal, J.)

15th March, 2005
Shiv